

LAWRENCE A. ORGAN (SBN 175503)
NAVRUZ AVLONI (SBN 279556)
CIMONE A. NUNLEY (SBN 326915)
CALIFORNIA CIVIL RIGHTS LAW GROUP
332 San Anselmo Avenue
San Anselmo, California 94960
Telephone: (415)-453-7352
Facsimile: (415)-785-7352

J. BERNARD ALEXANDER (SBN 128307)
ALEXANDER KRAKOW + GLICK LLP
1900 Avenue of the Stars, Suite 900
Los Angeles, California 90067
Telephone: (310) 394-0888
Facsimile: (310) 394-0811
Attorneys for Plaintiffs DEMETRIC DI-AZ and OWEN DIAZ

TRACEY A. KENNEDY (SBN 150782)
PATRICIA M. JENG (SBN 272262)
SUSAN HAINES (SBN 224611)
SHEPPARD, MULLIN, RICHTER, & HAMPTON LLP
333 South Hope Street, 43rd Floor
Los Angeles, CA 90071-1422
Telephone: (213)-620-1780
Facsimile (213)-620-1398
Attorneys for Defendant TESLA, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DEMETRIC DI-AZ, OWEN DIAZ, and
LAMAR PATTERSON,

Plaintiffs,

v.

TESLA, INC. dba TESLA MOTORS, INC.;
CITISTAFF SOLUTIONS, INC.; WEST
VALLEY STAFFING GROUP;
CHARTWELL STAFFING SERVICES, INC.;
and DOES 1-50, inclusive,

Defendants.

Case No. 3:17-cv-06748-WHO

**JOINT STIPULATION AND
[PROPOSED] ORDER FOR PARTIAL
DISMISSAL OF CLAIMS**

Trial Date: May 11, 2020
FAC Filed: December 26, 2018

Pursuant to Local Rule 7-12 and Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, Plaintiffs Demetric Di-az and Owen Diaz (“Plaintiffs”) and Defendant Tesla, Inc. dba Tesla Motors, Inc. (“Defendant”), by and through their respective counsel, hereby stipulate and agree as follows:

WHEREAS Plaintiffs filed their First Amended Complaint (“FAC”) on December 26, 2018 (Dkt. No. 57), and Defendant filed its Answer to the FAC on January 1, 2019 (Dkt. No. 63);

WHEREAS Plaintiffs’ FAC pled causes of action for violations of 42 U.S.C. § 1981; interference with constitutional rights in violation of the Bane Act; whistleblower retaliation under Section 1102.5 of the California Labor Code; negligent infliction of emotional distress; intentional infliction of emotional distress; negligent hiring, retention, and supervision; and wrongful termination in violation of public policy against Defendant as to Plaintiff Demetric Di-az;

WHEREAS Plaintiffs’ FAC pled causes of action for violations of 42 U.S.C. § 1981 (1st Cause of Action) and negligent hiring, retention, and supervision (14th Cause of Action) against Defendant as to Plaintiff Owen Diaz, which Plaintiff Owen Diaz intends to pursue to trial and shall not be affected by this stipulation;

WHEREAS Plaintiffs’ FAC pled causes of action for threats of violence in violation of the Ralph Civil Rights Act (4th Cause of Action), threats of violence in violation of the Bane Act (5th Cause of Action), interference with constitutional rights in violation of the Bane Act (6th Cause of Action), whistleblower retaliation under Section 1102.5 of the California Labor Code (7th Cause of Action), negligent infliction of emotional distress (12th Cause of Action), intentional infliction of emotional distress (13th Cause of Action), wrongful termination (15th Cause of Action), and constructive discharge (16th Cause of Action) against Defendant as to Plaintiff Owen Diaz;

IT IS HEREBY STIPULATED by and between the parties that all causes of action as to Plaintiff Demetric Di-az are hereby dismissed with prejudice;

IT IS FURTHER STIPULATED THAT with respect to Plaintiff Owen Diaz’ 4th, 5th,

6th, 7th, 12th, 13th, 15th and 16th Causes of Action, these are hereby dismissed with prejudice;
and

IT IS HEREBY FURTHER STIPULATED THAT Plaintiff Owen Diaz is the only
plaintiff remaining and only Owen Diaz's 1st and 14th Causes of Action shall remain intact and
proceed to trial.

IT IS SO STIPULATED.

CALIFORNIA CIVIL RIGHTS LAW GROUP

ALEXANDER KRAKOW + GLICK LLP

Dated: April 1, 2020

By /s/ Cimone Nunley
LAWRENCE A. ORGAN
NAVRUZ AVLONI
J. BERNARD ALEXANDER
CIMONE A. NUNLEY
Attorneys for Plaintiffs
DEMETRIC DI-AZ and OWEN DIAZ

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

Dated: April 1, 2020

By /s/ Patricia Jeng
TRACEY A. KENNEDY
PATRICIA M. JENG
SUSAN HAINES
Attorneys for Defendant
TESLA, INC. dba TESLA MOTORS, INC.

IT IS SO ORDERED.

DATED: April __, 2020

HONORABLE WILLIAM H. ORRICK

DECLARATION OF CONSENT

Pursuant to Civil Local Rule 5-1(i)(3) regarding signatures, I attest under penalty of perjury that I obtained concurrence in the filing of this document from above-listed counsel for Defendant Tesla, Inc., which shall serve in lieu of their signature on the document.

Dated: April 1, 2020

By

/s/ Cimone Nunley

LAWRENCE A. ORGAN
NAVRUZ AVLONI
J. BERNARD ALEXANDER
CIMONE A. NUNLEY
Attorneys for Plaintiffs
DEMETRIC DI-AZ and OWEN DIAZ